46 CFR Ch. IV (10-1-08 Edition)

Pt. 535

[69 FR 75853, Dec. 20, 2004, as amended at 70 FR 31370, June 1, 2005]

PART 535—OCEAN COMMON CARRIER AND MARINE TERMINAL OPERATOR AGREEMENTS SUBJECT TO THE SHIPPING ACT OF 1984

Subpart A—General Provisions

Sec.

535.101 Authority.

535.102 Purpose.

535.103 Policies.

535.104 Definitions.

Subpart B—Scope

535.201 Subject agreements.

535.202 Non-subject agreements.

Subpart C—Exemptions

535.301 Exemption procedures.

535.302 Exemptions for certain modifications of effective agreements.

535.303 Husbanding agreements—exemption.

535.304 Agency agreements—exemption.

535.305 Equipment interchange agreements—exemption.

535.306 Nonexclusive transshipment agreements—exemption.

535.307 Agreements between or among wholly-owned subsidiaries and/or their parent—exemption.

535.308 Marine terminal agreements—exemption.

535.309 Marine terminal services agreements—exemption.
535.310 Marine terminal facilities agree-

ments—exemption.

535.311 Low market share agreements—exemption.

535.312 Vessel charter party—exemption.

Subpart D—Filing of Agreements

535.401 General requirements.

535.402 Complete and definite agreements.

535.403 Form of agreements.

535.404 Agreement provisions.

535.405 Organization of conference agreements.

535.406 Modification of agreements.

535.407 Application for waiver.

335.408 Activities that may be conducted without further filings.

Subpart E—Information Form Requirements

535.501 General requirements.

535.502 Agreements subject to the Informa-

tion Form requirements.

535.503 Information Form.

535.504 Application for waiver.

Subpart F—Action on Agreements

535.601 Preliminary review—rejection of agreements.

535.602 FEDERAL REGISTER notice.

535.603 Comment.

535.604 Waiting period.

535.605 Requests for expedited review.

535.606 Requests for additional information.

535.607 Failure to comply with requests for additional information.

535.608 Confidentiality of submitted material.

535.609 Negotiations.

Subpart G—Reporting Requirements

535.701 General requirements.

535.702 Agreements subject to Monitoring Report and alternative periodic reporting requirements.

535.703 Monitoring Report form.

535.704 Filing of minutes.

535.705 Application for waiver.

Subpart H—Mandatory and Prohibited Provisions

535.801 Independent action.

535.802 Service contracts.

535.803 Ocean freight forwarder compensation.

Subpart I—Penalties

535.901 Failure to file.

535.902 Falsification of reports.

Subpart J—Paperwork Reduction

535.991 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

APPENDIX A TO PART 535—INFORMATION FORM AND INSTRUCTIONS

APPENDIX B TO PART 535—MONITORING REPORT AND INSTRUCTIONS

AUTHORITY: 5 U.S.C. 553; 46 U.S.C. 1701–1707, 1709–1710, 1712 and 1714–1718; Pub. L. 105–258, 112 Stat. 1902 (46 U.S.C. 1701 note); Sec. 424, Pub. L. 105–383, 112 Stat. 3440.

SOURCE: 69 FR 64414, Nov. 4, 2004, unless otherwise noted.

Subpart A—General Provisions

§ 535.101 Authority.

The rules in this part are issued pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 16, 17, and 19 of the Shipping Act of 1984 ("the Act"), and the Ocean Shipping Reform Act of 1998, Pub. L. 105–258, 112 Stat. 1902.